



EAGLE MOUNTAIN CITY COUNCIL MEETING MINUTES

February 2, 2021, 4:00 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

4:00 P.M. WORK SESSION – ELECTRONIC MEETING VIA LIFESIZE

ELECTED OFFICIALS PRESENT ELECTRONICALLY: Mayor Tom Westmoreland, Councilmembers Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love.

CITY STAFF PRESENT ELECTRONICALLY: Paul Jerome, City Administrator; Steve Mumford, Assistant City Administrator/Community Development Director; Kimberly Ruesch, Finance Director; Pete Kane, Planning Manager; Tayler Jensen, Senior Planner; Jessa Porter, Planner; Fionnuala Kofoed, City Recorder; Elizabeth Fewkes, Recording Secretary; Chris Trusty, City Engineer; Aaron Sanborn, Economic Development Director; Jeremy Cook, City Attorney; Brad Hickman, Parks and Recreation Director; Mack Straw, Public Utilities Manager; Zac Hilton, Streets and Storm Drain Manager; Jeff Weber, Fleet and Facilities Operations Director; Ross Fowlks, Fire Chief; and Robert Ballif, Engineering Assistant.

Mayor Westmoreland called the meeting to order at 4:07 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS

1.A. DISCUSSION – Scarlet Ridge Estates Master Development Plan, Preliminary Plat, Rezone, and General Plan Amendment

Planning Manager Pete Kane presented the item. The subject property is about 160 acres east of Lake Mountain Road and south of the future Tiffany Lane extension. The property is currently zoned Agriculture and is identified in the General Plan Future Land Use Map for Agriculture/Rural Density Two. The Planning Commission's review of the 2019 concept plan received feedback regarding concerns about the placement and distances of roads and equestrian trails, connectivity, and a recommendation of zoning the smaller lots to RD2 and the larger lots to RD1.

The concept plan was revised and reviewed by the City Council in August 2020. Feedback included a request for a minimum of 30 one-acre lots and an increase in aesthetic appeal by adjusting lot widths and including curved roads. A preliminary plat, rezone, and General Plan amendment have also been submitted. Based on the City Council work session on January 19, 2021, the applicant has submitted a revised preliminary plat and park concept plan.

The applicant is seeking to amend the future transportation plan as it relates to plans for future road expansions to Tiffany Lane between Airport Road and the north-south collector along the eastern edge of the subject property. The request is to change the classification to a collector road for the portion between Airport Road and the northwest corner of the subject property and then to a residential road with a 53-foot width for the portion running along the northern edge of the property up to the north-south collector on the eastern edge of the property. Staff agrees with

changing this to a collector road but for the entire length between Airport Road and the future north-south collector to the east. The applicant's revised preliminary plat matches the staff recommendation, setting Tiffany Lane as a collector road along the northern edge.

The revised preliminary plat proposes a mix of 215 residential lots with four one-acre lots and 211 half-acre lots. The original plan called for five retention areas. Staff recommended utilizing other low impact development methods to reduce the number of retention areas. The revised plan results in three retention areas. The application identifies the development to be constructed and platted in seven phases. One possible consideration may be that Phases 1, 2, and 3 could be combined and re-divided into two phases so that the park feature is developed as part of Phase 2 rather than Phase 3.

The project proposes a large park of about 2.5 acres which would be dedicated to the City. The park includes asphalt/concrete pathways, eight pavilions, ten picnic tables spread among the pavilions, garbage receptacles, grills, a drinking fountain, two pickleball courts, one full basketball court, trees, landscaping, and open lawn space. The proposed location of the park results in 91 residential lots in the southern third of the subdivision and lot 101 in the far northeast corner being outside of the quarter-mile park distance requirement. The application identifies the development to be constructed and platted in seven phases. Staff recommends a number of changes to improve the usability and care of the park. The applicant has revised the plan based on those recommendations. One final recommendation is to relocate two trees currently depicted within the basketball court.

The proposed road network includes multiple connections: two road connections at the north to Tiffany Lane, three connections to the east to the future collector road that will run along that side of the development, two connections to the south to the future collector road that will run along that side of the development, and three connections to the west to the concepted Triumph residential development. As requested, the applicant has revised the plans to incorporate half-width dedications for a 53-foot right-of-way on the eastern and southern edges of the property. Collector roads are required to have street trees and residential lots with side or rear lot lines along collector roads are required to have privacy fencing. As requested, the applicant has revised two of the street names so as not to conflict with already used or approved street names in the City. "Jordan Road" and "Jordan Lane" are proposed within the plat, one of which will need to be renamed.

The Planning Commission held a public hearing on the requests on January 12, 2021, and unanimously voted 4 to 0 with one absentee to recommend approval of the master development plan request with the following conditions:

1. That Phases 1, 2, and 3 are adjusted into two phases, and the park feature constructed as part of Phase 2;
2. Revisions to the park plan as outlined in the staff report;
3. Consideration of utilizing park strip drainage, swales, or other low impact development method in place of multiple retention areas; and
4. Incorporation of the half-width of the east and south collector roads.

Applicant representative Ryan Kent stated the incorporation of the 53-foot right-of-way for the requested road widths along the eastern border reduced the acreage of the one-acre lots. He said

the lots are just under one acre. The reduction in the lot sizes has disadvantaged them from being able to list one-acre lots in their advertising. The north-south collector and Airport Road create double frontage for the eastern lots located between the roadways and a one-mile straight road that encourages increased speeds. He said their traffic studies indicate the road to the north-south collector that runs along the east side of the project are not merited and could be reduced. He suggested for the location of the eastern portion of the north-south collector to be determined and installed by the developers of the properties to the east and south of the project to enable the adjacent curvature of the road through their developments rather than the applicants installing a straight collector along the boundary between the developments.

Councilmember Gray stated that he had not been present at the previous work session to be able to provide feedback on the project. He stated that the General Plan designates the property as Agricultural Rural Density Two and his preference would be to rezone the entirety of the property to the RD1 zone which requires a one-acre minimum lot size, and he expressed concern that the project only had four one-acre lots. He recommended for the applicant to return with a new plan that incorporates more one-acre lots before determining road sizes and locations. He feels the plan is not in harmony with the General Plan.

Mr. Kent reiterated that prior to increasing the road width as requested, the project had 27 one-acre lots. He suggested allowing them to reduce the road width to a residential road to increase the lot sizes and to remove the need for the collector road by reducing density in the area.

Applicant representative Joseph Darger agreed that they desire to develop the one-acre lots. He said the Transportation Plan indicating the placement of a collector road to the east was prior to the current General Plan that reduced the intended density in the area and the need for a collector road. He said the lot sizes were based upon the feedback they received last fall from the Planning Commission and City Council.

Councilmember Gray expressed concern that the project did not include more lots close to or over an acre in size. He said that reducing the number of homes would decrease traffic in the area and the need for collector-width roads.

Councilmember Curtis expressed concern that the applicant requested the higher end of the allowable density in the area while also desiring a reduced road width. The Agricultural Rural Density Two General Plan designation permits the RD1 zone with a minimum one-acre lot size and the RD2 zone with a minimum half-acre lot size. He suggested dividing the acreage in half and approving RD1 zoning for 50 percent and RD2 for the other 50 percent of the project.

Councilmember Love stated that she believes the collector road width is merited due to future development to the east of the project. She said that the applicant can amend their plan to address the double frontage concern.

Councilmembers Clark and Burnham concurred with the concerns regarding the lot sizes.

Mr. Kane recommended against transferring the responsibility of installing the collector road to the adjacent property owners. The road is noted in the Future Transportation Map and has been

included in staff discussions with the applicants and should have been a consideration in the planning of this project.

Councilmember Love stated that she agrees with Commissioner Wells' comments during the Planning Commission review that playground structures would be a greater benefit to the residents than seven pavilions and ten picnic tables.

Councilmember Gray noted the differences in the intent and purposes between the RD1 and RD2 zones in relation to rural and suburban characterized neighborhoods and animal rights. He advocated for a greater variety of lots and lots sizes between one-half and one-acre. He inquired if the Council desired to approve the Equine Overlay zone for the half-acre lots.

Mr. Kane verified that the Equine Overlay has not been requested for this zone by the applicants.

Discussion ensued regarding the desired density for the area in relation to the General Plan and potentially approving the Equine Overlay zone for the development and clarifying the allowances and purpose of the Equine Overlay zone in relation to compatible uses regarding animal rights.

Mr. Kent concurred with the recommendation of applying the Equine Overlay zone for the development. He said that the development includes a variety of lot sizes.

Mr. Kane verified that the average lot size is .59 acres, or 25,000 square feet, and that the width of the road has remained consistent during their discussions with the applicant and had not been increased from a previous agreement.

Councilmember Love identified lots in the project that are between one half and one acre. She stated that although she understands the desire for more large lots, the lot size reductions due to the road width and other factors are minimal, and she believes the proposed project represents the desired use for the area.

Mr. Kent requested clarification regarding the specific direction desired by the City Council.

Councilmember Curtis stated that in order to meet the intent of the land use designation, the project requires a reduction in lots to accommodate larger lots; however, he prefers not to stipulate a specific number of lots of a particular acreage. He desires to reach a compromise with the applicant to achieve the right balance. If the variety of lots is not obtainable with RD2 zoning, the Council approving RD1 zoning for the development would require all one-acre lots or greater.

Mr. Kent stated that the previous recommendation had been to mix the one-acre lots in with the smaller lots and to use larger lots to transition to the foothills area. A combination of lot sizes is a better planning practice than creating a single area of one-acre lots.

Discussion ensued debating the desired number of one-acre lots for the project.

Assistant City Administrator/Community Development Director Steve Mumford inquired regarding the location of the one-acre lots in relation to the adjacent Foothill Residential area that

requires an average lot size of a half-acre with a minimum lot size of a quarter-acre, so the placement of the one-acre lots along the eastern edge might not be the most desirable option. He stated that the Equine Overlay would only be necessary and appropriate should the half-acre lots be intermingled with larger lots with animal rights.

Councilmember Burnham advocated for an increase in the number and variety of lot sizes above a quarter-acre; however, she did not have a preference regarding the location of the various lot sizes within the project.

The meeting was recessed from 5:16 p.m. to 5:30 p.m. to address technical difficulties.

2. AGENDA REVIEW

10. AUDIT

10.A. FY 2020 Audit – Acceptance of the 2020 Fiscal Year Audit – Ron Stewart

Certified Public Accountant Ron Stewart with Gilbert and Stewart presented the item. He explained the purpose and process of the financial audit.

The audit findings concluded that, “In our opinion, the financial statements present fairly, in all material respects, the respective financial position of the governmental activities, business-type activities, each major fund, and the aggregate remaining fund information of the City as of June 30, 2020, the respective changes in financial position, and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.”

The evaluation of the internal controls determined that some of the reconciliations were not completed in a timely manner and had been impacted by changes in staff and management, as well as the pandemic. Gilbert and Stewart determined the incident to be a one-time isolated event and staff is taking steps to better implement controls.

State law compliance evaluations determined, “in our opinion, Eagle Mountain City, complied, in all material respects, with the state compliance requirements identified for the year ended June 30, 2020.”

The audit found the expenditures of the City exceeded the budget primarily in special improvement district funds. Their recommendation is for the City to monitor and employ year-end adjustments as necessary to cover expenditures.

Mr. Stewart verified that the findings and concerns have been sufficiently resolved. As the issues arose from mitigating circumstances, they are unlikely to reoccur.

Councilmember Clark stated her appreciation for and support of staff efforts and their determination to address and resolve concerns that arise.

14. ORDINANCES/PUBLIC HEARINGS

14.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code, Enacting Chapter 17.49 Wildlife Corridor Overlay Zone.

Mr. Kane noted that during the January 19, 2021 work session, concerns were raised regarding density transfer and presented potential edits to the amendment to address the concerns. Geographic Information Systems mapping determined the proposed area for the wildlife corridor encompasses 1,342.92 acres and the ridgeline protection areas encompass 192.66 with 41.48 acres of overlap between the wildlife corridor and the ridgeline areas. The proposed location of the wildlife corridor includes the following totals for each General Plan Land Use Designation: 1,177.34 acres (88% of the total proposed location) of Parks and Open Space, 35.26 (3%) Agricultural/Rural Density Two, 44.62 acres (3%) Business Park/Light Industry, 44.14 (3%) Neighborhood Residential One, 24.53 acres (2%) Agricultural/Rural Density One, and 17.25 acres (1%) Foothill Residential.

Councilmember Curtis expressed concern regarding land rendered unbuildable by the Wildlife Corridor Protection zone in addition to the previously approved Ridgeline Protection Overlay zone in relation to density transfer and zoning approvals which could increase density in the City.

Mr. Kane stated although he recognized Councilmember Curtis' concern as a possibility, developers rarely petition for land with a Parks and Open Space land use designation to be rezoned to buildable land. Generally, rezone requests are made to increase density on buildable land.

Councilmember Burnham expressed concern that the inclusion of verbiage indicating the possibility of density transfer in the standards would encourage the petitioning of increasing density as the standard negotiation for land dedication for the wildlife corridor. She suggested that the standards include the willingness of the City to entertain negotiations with developers to obtain land for the corridor without specifying density transfer.

Mr. Kane noted the proposed standards include a provision for parks and open space credit in exchange for the application of the overlay and that density transfer could be allowed by the Council when deemed appropriate and desirable, even if the standards do not include language regarding density transfers.

Councilmember Clark advocated for the exclusion of language specifying density transfer to allow flexibility to implement various tools on a case-by-case basis. Councilmember Gray concurred with the inclusion of nonspecific standards to allow a variety of options.

Councilmember Curtis stated his desire to be reasonable without being overly aggressive and onerous. He said that as more information is available, the standards can be adjusted to still allow developers to utilize the majority of their land. He suggested amending the verbiage to state that other exchanges of value may be implemented by the Council on a case-by-case basis.

Discussion ensued regarding the desired verbiage to include in the standards regarding potential awards to developers in exchange for the application of the overlay.

Mayor Westmoreland noted that the corridor also encompasses wash areas in the City that are unbuildable land.

Mr. Kane verified that the acreages and percentages represent land use designations and include both buildable and unbuildable land such as wash areas. The process of applying the overlay to the applicable areas will include details and consideration regarding buildable land.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION

MOTION: *Councilmember Burnham moved to adjourn to a closed session for the purpose of discussing the professional competency of an individual pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:09 p.m.

7:00 P.M. POLICY SESSION – VIA LIFESIZE ELECTRONIC MEETING

4. CALL TO ORDER

Mayor Westmoreland called the meeting to order at 7:20 p.m.

5. PLEDGE OF ALLEGIANCE

City Recorder Fionnuala Kofoed led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- Free meal pickup for seniors ages 60 years and over is offered each Monday and Wednesday at the Senior Center until further notice. For details, please visit the City website.
- Utah County Health Department is managing COVID-19 vaccine distribution for Utah County residents. You may sign up for text or email alerts by texting UCHEALTH to 888777 to receive notification of when appointments are available and who is eligible. If you have a question or need help registering for your appointment, call the COVID-19 hotline at 1-800-456-7707. The hotline has language and translation services in more than 100 languages, including Spanish.
- The health department is also seeking medical and non-medical volunteers to assist with vaccine administration. Please visit their website for details.
- The City offices and Library will be closed on Monday, February 15, 2021, in observance of the Presidents Day holiday.

To receive City notifications, including emergency info, news, events, and traffic alerts, sign up at emcity.org/notifyme.

7. PUBLIC COMMENTS

Mayor Westmoreland opened public comment at 7:23 p.m.

Jason and Kerry Allen submitted the following email: “We recently went to the Eagle Mountain Library for the first time a few weeks ago. You probably were already aware, but the staff and library are wonderful! We were instantly greeted by very friendly staff. They helped us quickly get our library cards and gave us a quick tour. We were excited by the large variety of services provided. We just wanted to pass along our great experience. The more we get to know our new home of Eagle Mountain, the more we continue to be amazed at how awesome the city is!”

Barbara Brooks submitted the following email: “I feel the Mayor, the City Council members along with the Eagle Mountain Planning Commission need to take a long hard look at what their decisions are doing to this beautiful area that we CHOSE to live in. Past decisions have already started moving this area into a negative direction and once the damage is done, it can't be undone. We have watched as wide open fields have disappeared under countless of single family homes and soon to be even more multiply family buildings. We have had two (2) new roads put in for both Facebook and Tyson Foods. The residents in that area were never contacted or advised. The city has allowed these roads which has not only put livestock and humans at risk, but has also displaced the many birds, pronghorn, rabbits and coyotes. I know this because I live in that once desolate road that had all of these wonderful things. Now we loud semitrucks, speeding vehicles flying down these roads, vehicles running the stop signs. All of this at all times day and night and many times as people, many of these are children, are in the arena within inches of the road because they road was incorrectly placed to close. Due to the closeness of the road a speeding car or road conditions could potentially cause great harm to the many horses or humans on our property. The original Pony Express trail is is now gone along with all markers of what was once a great historical area and place to live. We will soon lose all of our open fields, sounds if nature and beautiful mountain views. We are now moving towards being nothing more than an overcrowded concrete jungle. I beg of you to reconsider taking away the very reason that so many of us chose to make Eagle Mountain City Center our home! Please make my comment public.”

Mayor Westmoreland closed public comment at 7:24 p.m.

8. CITY COUNCIL/MAYOR'S ITEMS

Mayor Westmoreland

Mayor Westmoreland welcomed meeting participants.

Councilmember Clark

Councilmember Clark expressed appreciation to City staff for the presentations and videos presented during the Strategic Planning Conference. She is excited about the future of the City but

also feels the weight regarding her responsibilities as a Councilmember to make decisions and regarding the impact of those decisions on residents.

Councilmember Gray

Councilmember Gray thanked the meeting participants. He is excited about the new liaison assignments and expressed appreciation to City board members for their service. Strides Pediatric Therapy has invited the Councilmembers to attend a ceremony commemorating the awarding of a grant to assist with their equine therapy efforts.

Councilmember Curtis

None.

Councilmember Love

Councilmember Love echoed Councilmember Clark's gratitude regarding the Strategic Planning Conference.

Councilmember Burnham

Councilmember Burnham recognized the late Wyatt Page for his love and service in association with his Comfort Bundles charity. She presented his parents, Emily and Doug Page, with a token of appreciation from the City.

9. APPOINTMENTS

9.A. Cemetery Advisory Board

MOTION: *Councilmember Love moved to appoint Corbin Wade to the Cemetery Advisory Board for a one-year term. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.*

9.B. Military and Veterans Advisory Board

MOTION: *Councilmember Curtis moved to appoint Brett Edwards to the Military and Veterans Advisory Board for a three-year term. Councilmember Gray seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.*

MOTION: *Councilmember Curtis moved to appoint Jason Haskell to the Military and Veterans Advisory Board for a one-year term. Councilmember Gray seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.*

MOTION: *Councilmember Curtis moved to appoint Jonathan Love to the Military Veterans and Advisory Board for a one-year term. Councilmember Gray seconded the motion. Those voting aye: Donna Burnham, Melissa Clark,*

Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.

9.C. Parks and Recreation Advisory Board

MOTION: *Councilmember Clark moved to appoint Bettina Cameron to the Parks and Recreation Advisory Board for a three-year term. Councilmember Curtis seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.*

MOTION: *Councilmember Clark moved to appoint Michael Johnson to the Parks and Recreation Advisory Board for a three-year term. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.*

MOTION: *Councilmember Clark moved to appoint Craig Morris to the Parks and Recreation Advisory Board for a three-year term. Councilmember Love seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.*

9.D. Youth Council Advisor

MOTION: *Councilmember Gray moved to appoint Tyler Shimakonis as a Youth Council Advisor completing the term through June 2021. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.*

MOTION: *Councilmember Gray moved to appoint Jennifer Shimakonis as a Youth Council Advisor completing the term through June 2021. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.*

CONSENT AGENDA

10. AUDIT

10.A. FY 2020 Audit – Acceptance of the 2020 Fiscal Year Audit – Ron Stewart

11. BOND RELEASES

11.A. The Towns at Brylee Farms Phase B, Plat 1 – Into Warranty

11.B. Sunset Ridge Phase A, Plat 6 – Out of Warranty

12. CHANGE ORDERS

12.A. Master Transportation Plan Change Order #1 – Horrocks Engineers

12.B. Water Model Rebuild Change Order #1 – Psomas

13. MINUTES

13.A. January 19, 2021 – Regular City Council Meeting

MOTION: *Councilmember Curtis moved to approve the consent agenda. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

14. ORDINANCES/PUBLIC HEARINGS

14.A. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain Municipal Code, Enacting Chapter 17.49 Wildlife Corridor Overlay Zone.

Planning Manager Pete Kane presented the item. The Eagle Mountain General Plan includes several key initiatives, goals, and strategies in order to create the community residents desire and appreciate. One such strategy is to "preserve wildlife migration routes and habitat, where possible." This strategy, included in the Meaningful Open Space and Amenities initiative, is outlined as part of the goal to preserve Eagle Mountain's scenic beauty, vistas, and wildlife habitat. The proposed amendment establishes the purpose of the overlay, restrictions and requirements for the corridor, and methods of further protection. Upon adoption of the Municipal Code amendment, staff will work with property owners to establish and request rezoning of properties to apply the overlay zone and create a continuous migration and habitat corridor through the City. The standards provide support for and methods by which to preserve wildlife migration routes and habitat in and through Eagle Mountain City.

During the City Council work session on January 19, 2021, the Council discussed the incorporation of language in EMMC 17.49.090(C) to limit the negative impact of recreation vehicles within the corridor. The proposed Municipal Code amendment includes the revised language. The Council can also include an amendment to EMMC 17.49.070(A)(3) to, "Developer may transfer buildable density from overlay zone areas to other areas within the same project to development when the significant buildable property is made unbuildable by this overlay zone, as approved on a case-by-case basis by the City Council."

Mr. Kane expressed appreciation to those who helped initiate, support, and provide guidance, data, and comments on the proposed amendment, including Mayor Westmoreland, the Planning Commission, the City Council, the Eagle Mountain Nature and Wildlife Alliance resident group, the Utah Division of Wildlife Resources, and the U.S. Bureau of Land Management.

Mayor Westmoreland noted that the creation of the Municipal Code standards for the overlay is the first step to create a mechanism for future land designations. He thanked the landowners that have been open to seeing this item move forward, and he noted that the overlay would not be possible without landowner support.

Councilmember Clark requested staff contact Utah County regarding the plans for the unincorporated County property within the proposed wildlife corridor.

Councilmember Curtis expressed concern regarding the proposed language indicting OHV restriction in the narrow points of the corridor that include motorbike, OHV, and all-terrain vehicle (ATV) access points for areas such as Hidden Valley and Turtle Hill. He desires for the standards to permit crossing the corridor year-round to provide for OHV and ATV access to recreational areas in the City, balancing wildlife protection and resident recreation.

Councilmember Love advocated for the standards to only prohibit the use of recreational OHV vehicles during the migration season to allow farming and other purposes year-round.

Councilmember Clark stated that the Planning Commission discussion included concerns regarding enforcement particularly on areas that are located on private property. She asked if the City has the ability to limit activities on private land.

Mayor Westmoreland stated that motorized vehicle prohibition on bike trails primarily relies on self-governance; however, the Sheriff Department is authorized to ensure enforcement, if necessary. He acknowledged that use conflicts are likely to arise and suggested that signage could indicate proper usage. Discussions with the impacted interest groups could assist with determining and resolving noncomplimentary usage concerns and issues.

Councilmember Clark stated that the Planning Commission's recommendation to change the verbiage from "prohibit" to "regulate" OHV use allows for some leniency and suggested signage to inform the public of regulations. She inquired how such issues are addressed in State and National parks.

Shane Hill with the Utah Division of Wildlife Resources (DWR) stated that most State land they manage has prohibitions of motorized recreation other than in association with hunting. One of their properties has seasonal closing for mountain biking due to wildlife activity.

Mayor Westmoreland opened public comment at 8:16 p.m.

Ms. Kofoed stated that the City received emails expressing support for the wildlife corridor from the following people: Anjanel Larsen, Barbara MacDonald, Bettina Cameron, Cameron Jensen, Christopher Loch, Craig Whiting, Curtis MacDonald, Daniel Cockayne, DeLin Anderson, DeNae

Anderson, Denise Hickman, Elinor Bryant, Haley May, Heather Fausett, Heather Swanger, Jacinda Montano, John Orgill, Kandi Scattolon, Kate Bullock, Kathleen Densley, Lisa Miller, Maria Schleicher, Mark Lindsay, Mary Kunz, Melissa Browning, Michael Innocenti, Misti Isham, Morgan Hagey, Nicole Lawson-Call, Nicole Lopez, Patricia Sagastume, Riley Peck, Robert Burgon, Shawn Herrera, Susan Benson, Suzanne Lindsay, Tina Hollingshead, and Whitney Vizcarra.

Mr. Hill expressed appreciation for the efforts of City staff, the Mayor, and tenacious residents in preparing the proposal. The DWR supports the creation of the Wildlife Corridor Overlay Zone. He explained that the wildlife corridor will benefit both the wildlife and the residents by reducing conflicts such as vehicle collisions, destruction of property, and dangerous interactions. DWR biologists usually attempt to resolve such conflicts in a reactionary capacity. The preservation of a contiguous wildlife habitat is a proactive, preventative measure. He believes that Eagle Mountain is setting an example that other cities in the nation will hopefully follow. He expressed the commitment of the DWR to support conservation efforts in Eagle Mountain. The DWR has partnered with groups including the Bureau of Land Management, The Mule Deer Foundation, biologists, and volunteers to study wildlife movements in Cedar Valley. They have received public grant funding to install wildlife fencing with escape ramps along Wride Memorial Highway, enhance wildlife detection equipment to reduce vehicle collisions, and to enhance and beautify the landscape by replacing invasive weeds with native shrubs, grasses, and trees in the corridor to encourage wildlife use. The approval of the overlay will increase the ability to apply for and receive grants to assist with wildlife preservation efforts.

Ms. Cameron co-founder of the Eagle Mountain Nature and Wildlife Alliance recognized the following members of the wildlife hobbyist group: Marian Burningham, Kevin Burningham, Shon Reed, Jen Whelp, and Trista Torson. She recognized the liaison contributions of Craig Whiting for assisting the group with real estate concerns and Mike Kieffer for posting articles about the group on his blog. She said that the overlay would not impact existing trails and only prohibits the construction of new trails in the narrow portions of the corridor. She suggested amending EMMC 17.49.090(C) to include "and private landowner use," to permit property owners to use OHVs on their land year-round. She clarified their intention is to restrict recreational use during migration seasons. She expressed appreciation for previous City standards and efforts that assist with making the corridor a possibility and recognized State officials and government agencies that have supported the corridor efforts. The wildlife corridor will provide additional educational, recreational, and funding opportunities. She said the decision of the City Council regarding certain topics are crucial for the success of the corridor and noted the materials submitted by their group with their recommendations to include in the approval.

Mayor Westmoreland closed public comment at 8:32 p.m.

Councilmember Curtis noted that all parties involved desire to promote conservation efforts within the City; however, they might disagree on some of the details. He said that he had been clear from the beginning of discussions regarding the wildlife corridor, that although he supports the corridor creation, he is against density transfer as a method for securing land for the overlay.

Councilmember Gray inquired if grant funds for the projects along Wride Memorial Highway could be used to purchase land in the corridor.

Mr. Hill stated that the current grant funding has been fully allocated to existing projects. He reiterated the approval of the overlay would qualify the City to be able to apply for applicable conservation grant funding.

Mayor Westmoreland stated that it appears all parties are in agreement that density transfer is the least desirable method to utilize for obtaining land for the overlay and would only be considered if other avenues proved unviable.

Councilmember Gray expressed concern regarding restricting OHV use on existing trails. Rather than prohibit OHV usage during migration season, he suggested the installation of signage to require reduced speeds where trails cross the corridor.

Councilmember Curtis stated that etiquette dictates that OHV use should be limited to trails, but the requirement should also be codified for all areas in the City. He recommended allowing recreational use of the corridor on established trails, including trail crossings during migratory seasons.

Councilmember Love suggested amending EMMC 17.49.090(C) to include the verbiage proposed in Ms. Cameron's email to the City Council, "No recreational vehicles, such as Off-Highway Vehicles (OHVs), shall be allowed in the corridor during the mule deer migration season, except for corridor maintenance and private landowner use. No new off-road vehicle trails will be constructed where the corridor is at its minimum width to minimize recreational vehicles' negative impacts."

Councilmember Burnham noted that EMMC 17.49.090(B) regarding sensitive areas may make Section 17.49.090(C) superfluous.

Ms. Cameron noted that grant funding to purchase land within the proposed overlay is not guaranteed and privately owned land with vested rights within the proposed corridor represents millions of dollars of property. She requested the Council consider the future development of the City when making decisions regarding corridor usage and funding options.

Discussion ensued regarding OHV usage and corridor crossing allowance, debating and clarifying the desired verbiage to include in the proposed amendment.

Councilmember Curtis recommended removing the section containing language regarding density transfer.

Councilmember Burnham suggested retaining the section and amending the verbiage to indicate that the City may utilize other tools to aid in the application of the overlay on a case-by-case basis without specifying density transfer.

Councilmember Clark concurred with Councilmember Burnham's recommendation.

Discussion ensued clarifying and determining the desired language for the changes to the amendment.

MOTION: *Councilmember Burnham moved to approve an ordinance of Eagle Mountain, City, Utah, amending the Eagle Mountain Municipal Code, enacting Chapter 17.49 Wildlife Corridor Overlay Zone with the following changes:*

- 1. Replace Section 17.49.070(A)(3) with “The City may utilize other tools to aid in the application of the overlay zone on property, as approved on a case-by-case basis by the City Council;” and*
- 2. Replace Section 17.49.090(C) with “No recreational vehicles, such as off-highway vehicles (OHVs), shall be allowed in the corridor during the mule deer migration season, except for corridor maintenance and private landowner use. No new off-road vehicle trails will be constructed where the corridor is at its minimum width to minimize recreational vehicles' negative impacts. Recreational vehicles are permitted to cross the corridor on established trails year-round.”*

Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.

Mr. Kane verified that the City will generally initiate the application of the Wildlife Corridor Overlay zone on properties and would inform the impacted property owners to begin negotiations.

14.B. ORDINANCE/PUBLIC HEARING – An Ordinance of Eagle Mountain City, Utah, Amending the Land Use Element of the General Plan and Rezoning Certain Lands known as Brylee North.

This item was removed from the agenda at the request of the applicant.

15. CITY COUNCIL/MAYOR'S BUSINESS

None.

16. CITY COUNCIL BOARD LIAISON REPORTS

Councilmember Curtis

Councilmember Curtis stated he will provide Councilmember Gray with information regarding the library boxes project in conjunction with the Eagle Mountain Arts Alliance; the City Attorney will review the agreement.

Councilmember Love

Councilmember Love verified that she has been receiving invitations to the Eagle Mountain Chamber of Commerce events and will contact Councilmember Curtis with any follow up questions.

Councilmember Gray

Councilmember Gray asked about the City's plans for Pony Express Days.

Councilmember Clark

Councilmember Clark asked who she needed to contact regarding the Parks and Recreation Advisory Board meetings. Ms. Kofoed stated she has been in contact with Mike Johnson to set an agenda.

City Administrator Paul Jerome stated that staff is exploring options for Pony Express Days depending upon future conditions and State guidelines.

17. COMMUNICATION ITEMS

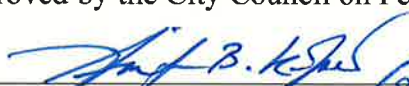
17.A. Upcoming Agenda Items

18. ADJOURNMENT

MOTION: *Councilmember Gray moved to adjourn the meeting at 9:23 p.m. Councilmember Clark seconded the motion. Those voting aye: Donna Burnham, Melissa Clark, Colby Curtis, Jared Gray, and Carolyn Love. The motion passed with a unanimous vote.*

The meeting was adjourned at 9:23 p.m.

Approved by the City Council on February 16, 2021.


Fionnuala B. Kofoed, MMC
City Recorder

